

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 1 and 2. This sheet, which includes Figs. 1, 2 and 3, replaces the original sheet including Figs. 1, 2 and 3.

Reference numbers 24 and 26 have been added to Fig. 1, and reference numbers 28 and 30 have been added to Fig. 2.

Attachment: Replacement Sheet

REMARKS

In the Office Action the Examiner has rejected claims 1-5 and 9-15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,623,448 to Slater and under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,449,343 to Samson et al. Also, the Examiner has rejected claims 1-5 and 8-15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,695,506 to Pike et al. Previously, claims 6-7 and 16-20 were withdrawn from consideration. In addition to the rejection of claims, the Examiner objected to the drawings for failing to include the reference signs 24, 26 and 28.

In response to the Office Action, the drawings have been amended to include reference numbers 24, 26, 28, and 30. Further, independent claim 1 has been amended to require first and second slit portions having specific structural characteristics. Specifically, each set of slit portions bounds an axially-extending wall portion that is interrupted only by the other set of slit portions. Also, dependent claims 2-5 were amended to correct antecedent bases. While claims 6-7 and 10-15 were canceled, new claims 21-28 were entered, including independent claim 23. New independent claim 23 includes a recitation of a cooperation of structure that provides the bending characteristics of the invention. Support for these amendments is found in the specification on page 5 at line 21 through page 6 at line 26 and in Figs. 1-3 and 5A-5B.

Amendments to the claims are presented herein to improve the readability of the claims, to more clearly define the structure of the present invention, and to point out the

features which distinguish this invention over the cited art. Claims 1-5, 8-9 and 16-28 are now pending.

Rejections under 35 U.S.C. § 102

In the Office Action, claims 1-5 and 9-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Slater and under 35 U.S.C. § 102(b) as being anticipated by Samson et al. Also, claims 1-5 and 8-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pike et al.

In response to the Office Action, and as noted above, Applicant has amended independent claim 1 to include more specific limitations relating to the structure and cooperation of structure of the first and second slit portions in the catheter tube. As claimed, each first slit portion bounds a respective first non-slit portion. In turn, the first non-slit portions form a first axially-extending wall portion that is interrupted only by the second slit portions. Likewise, each second slit portion bounds a respective second non-slit portion. In turn, the second non-slit portions form a second axially-extending wall portion that is interrupted only by the first slit portions. As entered herein, new independent claim 23 includes similar structural requirements.

Unlike the presently claimed device and method, none of the cited references disclose a tube having the required slit and non-slit portions.

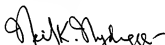
For the reasons set forth above, Applicant contends the bases for rejecting claims 1-5 and 8-15 for being anticipated have been overcome by amendment and should be withdrawn.

The references cited by the Examiner, but not relied on for the rejection of claims, have been noted.

In conclusion, Applicant respectfully asserts that claims 1-5, 8-9 and 16-28 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 20th day of April, 2007.

Respectfully submitted,



NEIL K. NYDEGGER
Attorney for Applicant
Registration No. 30,202
Customer No. 23862

NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
Telephone: (619) 688-1300